

This Chapter contains the policy for Supplemental Nutrition Assistance Program (SNAP) benefits, WV WORKS and all Medicaid coverage groups. It is used to determine who receives the benefit, whose income assets are counted and whose needs are considered. The income/assets of all persons in the Income Group (IG) is compared to the income/asset limits for the number of persons in the Needs Group (NG). This comparison determines if those in the Assistance Group (AG) are eligible to receive the benefit.

9.1 SNAP ELIGIBILITY DETERMINATION GROUPS

A. THE ASSISTANCE GROUP (AG)

1. Who Must Be Included

The SNAP AG must include all eligible individuals who both live together and purchase and prepare their meals together. Exceptions are listed below.

An individual cannot be a member of more than one SNAP AG in any month.

EXCEPTION: Residents of shelters for battered **persons**. See Chapter 14.

When an individual, who is included in an AG, is absent or is expected to be absent from the home for a full calendar month, he is no longer eligible to be included in the AG, and must be removed after proper notice.

The following shows the make-up of a SNAP AG.

a. Individuals Living Alone

These individuals are an AG.

b. Individuals or Groups of Individuals Living With Others

(1) Purchase and Prepare Together

A group of individuals who live together, and for whom food is customarily purchased and prepared together, is an AG.

Customarily is used to mean over 50% of meals on a monthly basis. See item (2) below for exceptions.

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school, lose their student status and have the same eligibility requirements as any other SNAP client.

g. Individuals Excluded by Law

Persons who are excluded by law as found below are ineligible and may not be a separate AG. The periods of ineligibility are also found below:

(1) Receipt of simultaneous multiple benefits as determined by an ADH or conviction in a state or federal court, due to a fraudulent statement with respect to identity or place of residence.

- Excluded for 10 years.

(2) The individual is a fleeing felon. The individual is considered to be a fleeing felon only when a federal, state, or local law enforcement officer acting in an official capacity presents an outstanding felony arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes to obtain information on the client: Escape (4901), Flight to Avoid (prosecution, confinement, etc.) (4902), Flight-Escape (4999).

- Ineligible while identified in this category.

(3) The individual is a violator of probation or parole. The individual is considered to be a violator of probation or parole only if both of the following circumstances apply:

- a. Another agency or court determines that the individual violated a condition of his probation or parole imposed under Federal or State law
- b. Federal, State, or local law enforcement authorities are actively seeking the individual to enforce the conditions of the probation or parole. In order for the law enforcement authorities to be considered actively seeking the individual to enforce the conditions of the probation or parole, one of the following three criteria must be met:
 - A Federal, State, or local law enforcement agency submits a request for information from the DHHR and informs the DHHR that it intends to arrest an individual for a probation or parole violation within 20 days of the date that the law enforcement agency submitted its request.

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- A Federal, State, or local law enforcement agency presents a felony arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes to obtain information on the client: Escape (4901), Flight to Avoid (prosecution, confinement, etc.) (4902) and Flight-Escape (4999).
- The DHHR requests information regarding whether or not an individual is a probation or parole violator from a Federal, State, or local law enforcement agency, and that agency states that it intends to arrest the individual for a probation or parole violation within 30 days of the date the DHHR requested the information.

The worker must give the law enforcement agency 20 days to respond to the request. If the law enforcement agency does not respond timely, the client is not considered to be a probation or parole violator until a response is received from the law enforcement agency. If the law enforcement agency states that it does not intend to arrest the individual within 30 days of the date of the DHHR's request, then the client is not considered to be a probation or parole violator. If the law enforcement agency does intend to arrest the client within 30 days, then the worker will follow-up with the law enforcement agency after the 30 day period has expired. If, at that time, the law enforcement agency states that they did attempt to arrest the individual, then the worker will take appropriate action to deny, decrease, or close the SNAP benefits at that time. If the law enforcement agency, after the 30 day period has expired, has not taken action to arrest the client, then the client is not considered to be a probation or parole violator. Case comments must be made to document that the client had not been arrested.

Note: The worker must act on the case timely while awaiting verification of whether or not a client is a probation or parole violator. If the verification is not received within the processing time frames, the client must not be considered a probation or parole violator when action is taken to approve or deny the SNAP benefits. If verification is later received that the

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individual is a probation or parole violator, then appropriate action would be taken to update the case.
- Ineligible while identified in this category

- (4) Trafficking in SNAP benefits prior to 9/22/96, for an amount less than \$500, which resulted in a conviction, an agreement which results in a court finding, rather than a conviction or a signed disqualification agreement. See item i below for trafficking SNAP benefits for a controlled substance.
 - Permanent exclusion.
- (5) Convicted after 9/22/96 of trafficking in SNAP benefits involving \$500 or more.
 - Permanent exclusion.
- (6) Convicted of a felony offense which occurred after 8/22/96 which involved **an element of the** possession, use or distribution of a controlled substance as defined by section 802 (6) of the Controlled Substance Act.
 - Permanent exclusion.

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h. Intentional Program Violation (IPV)

Persons who have been found guilty of an IPV are disqualified as follows:

- 1st offense: 1 year
- 2nd offense: 2 years
- 3rd offense: Permanent

i. Trafficking SNAP Benefits for Controlled Substances

Persons found by a federal, state or local court to have exchanged SNAP benefits for a controlled substance, when the trafficking offense does not meet the criteria in item f, as excluded by law, are disqualified as follows:

- 1st offense: 2 years
- 2nd offense: Permanent

This penalty does not require a court conviction, but may also be imposed when there is an agreement which results in a court finding.

j. Enumeration

Persons who fail to meet the enumeration requirements as found in Chapter 8 are ineligible until compliance.

k. Unborn Children

The AG cannot receive SNAP benefits for an unborn child.

l. Work Requirement Sanctioned Individuals

Persons against whom a sanction is imposed for failure to comply with work requirements found in Chapter 13 may not be separate AGs, even when living with others not affected by the sanction.

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person is a member of the AG. The incapacity of the person must be verified through a written statement from a doctor, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, or a licensed or certified psychologist. The act of caring for an incapacitated person must prevent the client from being able to complete a work activity. If questionable, written verification is required; or

- Is receiving UCI as the result of registering with an unemployment office, including those registering out of state; this includes persons receiving benefits under the Trade Readjustment Act (TRA); or
- Is medically certified as physically or mentally unfit for employment according to the provisions in Section 12.15; or
- Is receiving VA disability income, of any percentage as part of being declared disabled by the VA; or
- Is a pregnant woman, regardless of the expected date of delivery; or
- Is a regular participant in a drug addiction or alcoholic treatment and rehabilitation program when the participation in this program would prevent the individual from meeting the work requirement or participating in an employment/training program the required number of hours; or
- Is a student enrolled at least half-time in any recognized school, training program or institution of higher education. Students enrolled at least half-time in an institution of higher education must still meet the student eligibility requirements found in item f.(2) above to be eligible for SNAP; or
- Is hired for work at least 30 hours per week; or
- Is hired for work paying the equivalent of at least 30 hours times the federal minimum wage per week.
- Is the recipient of a 15% exemption through the Division of Family Assistance. For any month in which a 15% exemption has been granted, a case comment will be entered into eRapids.

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These exemptions qualify the individual to participate immediately, if otherwise eligible, regardless of how many months of benefits he has already received. These exemptions are only from the ABAWD time limit and ABAWD work requirement and do not automatically exempt the individual from the SNAP work requirements in Chapter 13.

While the individual is exempt, he is not required to regain eligibility by completing any work hours to become eligible again. However, receiving SNAP benefits while meeting an exemption does not qualify the individual for the additional 3-month period specified in item (7) below until he has worked 80 hours in 30 days or participated in a work or training program for a month, should he no longer meet an exemption.

NOTE: When exempting ABAWDs due to participating in a drug addiction or alcoholic treatment and rehabilitation program, the worker must evaluate the number of hours the customer must commit to the program to determine if the individual is exempt.

EXAMPLE: An ABAWD attends a methadone clinic once a month for a total of two hours in order to refill a methadone prescription. The client does not attend any additional counseling or treatment. This drug addiction treatment and rehabilitation program does not prevent the client from meeting the work requirements or participating in an employment or training program.

EXAMPLE: An ABAWD enters a specialized hospital for treatment for addiction. As part of the program, the client is expected to live at the hospital and receive treatment for the next 30 days. Since the client is enrolled in a program that does not allow the client to leave the hospital, this program prevents the ABAWD from meeting the work requirements or participating in an employment or training program.

(3) ABAWD Work Requirement

NOTE: All SNAP work requirements in Chapter 13 also apply to ABAWDs.

An ABAWD must meet the following ABAWD work requirements in addition to the SNAP work requirements in Chapter 13 to be eligible. For ABAWD purposes only, work

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is defined as any activity performed for monetary compensation, for in-kind services, or unpaid work. All work hours must be verified, including in-kind services and unpaid work. In-kind services are defined as any labor that results in an individual receiving an in-kind income/payment as defined in Chapter 10.1. Unpaid work is labor for an individual outside the AG or organization in which a person would traditionally be paid, but the customer has chosen not to seek payment. See Verification Requirements for Work Requirements found in Chapter 4. As long as an ABAWD is exempt as found in item (2) above or meets either of the 2 requirements below, he may receive SNAP benefits, if otherwise eligible. Otherwise, he is ineligible once he has received SNAP benefits for 3 months without being exempt or meeting the ABAWD work requirement. The 3 months need not be consecutive and includes SNAP benefits received from another state. The ABAWD work requirement is met by either:

- Working at least 20 hours per week or 80 hours a month; or
- Participating in a work program such as, but not limited to, WorkForce Innovation and Opportunity Act (WIOA) or a refugee resettlement program, at least 20 hours per week or 80 hours per month; or
- Participating in a SNAP E&T program the required number of hours. Individuals who do not meet an exemption listed in item (2) above and who are not participating in another program or working 20 hours per week or 80 hours in a month must be referred to the SNAP E&T program. While a client has the ability to not cooperate with the SNAP E&T program, a client may not opt out of the ABAWD work requirement. A client may choose to cooperate with SNAP E&T at any time.

This does not include job search or job search training as part of a work program.

Months in which the client received prorated benefits do not count toward the 3-month limit. In addition, when circumstances change so that an ILC ABAWD, who has been exempt or meeting the requirement, is no longer meeting an exemption or the work requirement, the first full countable month would be the month of benefits after the exemption ended.

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EXAMPLE: An ABAWD who works 25 hours per week loses his job the second week of February. February is not counted toward his 3-month limit.

EXAMPLE: An ABAWD applies on January 15 and is approved for a prorated allotment. January is not counted towards his 3-month limit.

(4) Issuance Limited Counties (ILC) and Non-Issuance Limited Counties (NILC)

The following are ILC counties and the only ones in which the 3-month limit applies.

Berkeley	Harrison	Kanawha	Monongalia	Putnam
Cabell	Jefferson	Marion	Morgan	

All other counties are NILC.

NOTE: When an NILC becomes an ILC, the first month of the customer's 3-month limit is the month in which the county becomes an ILC.

(5) Determining the 36-Month Period

For all individuals, regardless of the county or state of residence, the first 36-month period will begin January, 2016.

Once the 36-month period begins, it remains fixed, regardless of the ABAWD recipient's status or the county or state of residence. While receiving SNAP months without being exempt or meeting the work requirement in another state counts towards the customer's 3-month limit in West Virginia, the worker should only count such months within the current 36-month period.

(6) Regaining Eligibility

An individual whose benefits are denied or terminated under the ABAWD policy can become eligible again when:

- He no longer meets the definition of an ABAWD; or
- He resides in an NILC; or

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- He is currently meeting the ABAWD work requirement as specified in item (3) above; or
- He becomes exempt as specified in item (2) above; or

NOTE: Individuals who regain eligibility by one of the above methods must maintain eligibility monthly by continuing to meet the ABAWD work requirement in item (2) above, by continuing to be exempt, by residing in an NILC or by failing to meet the definition of an ABAWD.

- He has worked 80 hours in a 30-day period or he participates and meets the hour requirements within a 30-day period in employment or training activities.

NOTE: Only individuals who have regained eligibility in this manner qualify for the additional 3-month period described in item (7) below.

- (7) Qualifying for an Additional 3-Month Period Without Meeting the Work Requirement or Being Exempt.

When eligibility is regained by having worked 80 hours in a 30-day period, or by participating for a month in an employment or training program, the individual is eligible to receive SNAP for 3 consecutive months without meeting the work requirement or being exempt. Prorated months do not count toward the 3-consecutive-month limit. This is the last time in the 36-month period that he may be eligible without meeting the work requirement or being exempt.

After this second consecutive 3-month limit expires, he may only become eligible again by complying with the work requirement each month, residing in an NILC, or becoming exempt as specified in item (2) above.

3. Residents Of A Group Living Facility (GLF)

a. Who is An Eligible Resident

A resident of a GLF, as defined in Section 14.2, is eligible when he is:

- Blind; or
- Meets the SNAP program definition of disabled found in Section 12.15,B.